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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,975	08/18/2003	De Ping Gao	13897 B	3395
36672	7590	01/22/2004	EXAMINER	
CHARLES E. BAXLEY, ESQ. 59 JOHN STREET FIFTH FLOOR NEW YORK, NY 10038			ZERR, JOHN W	
			ART UNIT	PAPER NUMBER
			3644	

DATE MAILED: 01/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

10/642,975

### Applicant(s)

GAO, DE PING

### Examiner

John W. Zerr

### Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 3 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 20030818.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 7 is objected to because of the following informalities: in line 3 "said housing" should be replaced with ---a casing---. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. Claim 8 recites the limitation "said motor" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claims 9 and 10 are rejected for depending from rejected Claim 8.

- b. Claims are considered to have proper antecedent basis for the purposes of this examination.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Fassauer (USPT 4,513,688). Fassauer discloses an animal feeding device that comprises a housing (24)

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for receiving food for animals. The housing (24) includes a front portion having an opening (26) formed therein and includes a food dish (16) attached to the front portion and having a space formed therein and communicating with the opening (26) of the housing (24) to receive the food from the housing (24). A paddle device (34) is rotatably received in the housing (24) with a shaft and includes a plurality of blades (41-43) to dispense the food through the opening (26) of the housing (24) and into the food dish (16) when the paddle device (34) is rotated relative to the housing (24). Also there is a means (74) for rotating the paddle device (34) to dispense a predetermined quantity of the food into the food dish (16). The blades (41-43) of the paddle device (34) are extended radially and outwardly from the shaft, to dispense the food into the food dish (16). The housing (24) further comprises a casing (32) received in the housing (24) and including an upper passage (38) formed therein to receive the food, and including a chute (28) having a ramp (48) directed toward the opening (26) of said housing (24) to direct and dispense the food into the food dish (16). The rotating means (74) includes a gear (76) secured on the shaft, and a motor (74) coupled to the gear (76) to rotate the shaft via the gear (76) (see Figures 3a & 9, column 2 line 63-column 3 line 64, and column 6 line 44-column 7 line 19).

6. Claims 1, 2, 5 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Reece (USPT 6,427,628). Reece discloses an animal feeding device that comprises a housing (25) for receiving food for animals. The housing (25) includes a front portion (29) having an opening formed therein and includes a food dish (D) attached to the front portion (29) and having a space formed therein and communicating with the opening of the housing (25) to receive the food from the housing (25). A paddle device (39) is rotatably received in the housing (25) with a shaft (43) and includes a plurality of blades (41) to dispense the food through the opening of the

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housing (25) and into the food dish (D) when the paddle device (39) is rotated relative to the housing (25). Also there is a means (47) for rotating the paddle device (39) to dispense a predetermined quantity of the food into the food dish (D). The blades (41) of the paddle device (39) are extended radially and outwardly from the shaft (43), to dispense the food into the food dish (D). The housing (25) includes a mouth (33) provided therein. The feeding device further includes a container (19) that receives the food and has a bottom port (17) engageable into the mouth (33) of the housing (25) to direct the food from the container (19) into the housing (25). The feeding device also comprises a timer (61) to control an operation time of a motor (47). The housing (25) includes a socket recess (83) formed therein to receive the timer (61). The timer (61) includes a plurality of switch knobs (59,67) to adjust the operation time of the motor (47). The timer (61) includes at least one button (65) provided thereon to operate the timer (61) (see Figures 1-4 and column 2 line 45-column 6 line 42).

#### ***Allowable Subject Matter***

7. Claims 3 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Arvizu (USPT 4,279,221) discloses a timed food dispenser for animals. Bliss (USPT 5,037,014) discloses a rotary feeder comprising a paddle comprised of joined discs with blades extending therefrom connected to a shaft. Chisholm (USPT 5,078,097) discloses an automatic unitary food dispenser for pets comprising a paddle device. Duin (USPT 5,908,007) discloses a

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rotating livestock hay feeder. Evers (USPT 3,033,164) discloses an animal feeding apparatus comprising a paddle device. Mezhinsky (USPT 5,230,300) discloses an automatic dry food feeder for animals comprising a motorized paddle device and timer. Morris (USPT 5,303,672) discloses a food dispensing apparatus for small animals comprising a paddle device. McClure (GB 2168882) discloses an animal feed dispenser comprising a paddle device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John W. Zerr whose telephone number is (703) 306-0153. The examiner can normally be reached on M-Th. 8:00am-5:30pm, F 8:00am-4:30pm, alt. F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on (703) 306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JWZ  
1/15/04

*Charles T. Jordan*  
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